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Fifty-seventh session

SUMMARY RECORD OF THE 42th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 April 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)
later: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

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GE. 01-02525 (E)

ENG

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE PRIME MINISTER OF THE REPUBLIC OF EQUATORIAL GUINEA

1. Mr. MUATETEMA RIVAS (Equatorial Guinea) said that the present occasion was the first time the head of Government of the Republic of Equatorial Guinea had addressed the Commission. After reaffirming his country's support for the cause of human rights—rights which in its opinion should be regarded as having equal importance everywhere—he recalled that Equatorial Guinea had launched itself on the path of democracy in August 1979. The changes introduced in public affairs from that date on had been aimed at establishing a State based on the rule of law and a political culture rooted in multi-party democracy. Reform of the State's constitution had begun in 1992 and the transitional Government had elaborated a legal system ensuring political pluralism. Thirteen political groups had been recognized and their signing of the National Pact with the Government had created a favourable climate for holding legislative and municipal elections, followed by presidential elections in 1996. The ensuing period had seen a strengthening of democracy and human rights. With regard to the latter, several points of progress were to be noted: recognition of the right to presumption of innocence and access to legal assistance, the right not to be detained without an arrest warrant, the right to a fair trial and, finally, the principles of non-retroactivity of sanctions and *non bis in idem*. The President of the Republic, Obiang Nguema Mbasogo, was making sure that those measures were not jeopardized by external provocations and hostilities whose sole aim was to give the international community a false image of Equatorial Guinea.

2. Teaching human rights was an important part of school education in Equatorial Guinea. Those rights were understood in the broader sense to encompass civil rights, such as respect for privacy, freedom of movement, religious freedom and so forth as well as economic rights, such as the right to private property, freedom of enterprise and free competition, and also social rights, such as the right to work and social security and the right to form trade unions and to strike. In general, the financial resources of the country, especially those derived from oil, were contributing to the social welfare of the population. The country's economic and social objectives were defined, moreover, in agreement with all sectors of society, as had been the case at the National Economic Conference held in 1997. Also, with the active participation of the United Nations Development Programme (UNDP), the Government had drawn up a national programme of governance to improve the country's administrative machinery. Implementation of that programme called for the cooperation of the international community. Furthermore, in 2000 a major conference on rural development and food security had been held in Equatorial Guinea with the aim of adopting strategies for the promotion of employment in rural areas and for managing the country's transition from extensive subsistence farming to intensive commercial agriculture.

3. Aware of the impossibility of developing the country without the involvement of women, the Government had drawn up a national policy document based on the promotion of women, who made up 51.2 per cent of the active population. That document was in line with the standards adopted at the major international conferences on women. In practical terms, measures had been taken to strengthen the independence of women in rural areas, particularly by facilitating access to micro-loans, supporting the creation of income-generating activities and developing training. The National Institute for the Promotion of Agriculture and Livestock Farming and the Banking Commission of the Central Bank of Central African States (BEAC) gave special emphasis to micro-loans, as did a project called "Fighting Poverty". Moreover, 90 per cent of cooperatives and agricultural groups in Equatorial Guinea were run by women and it was women who on several occasions had visited neighbouring countries to exchange knowledge about agriculture and livestock farming. Finally, the adult literacy radio programme broadcast in rural areas was mainly intended to reach women.

4. For more than 20 years his country had been under the scrutiny of the international community. The Commission had adopted many resolutions on human rights in Equatorial Guinea, without, however,

following up one of the basic elements of those resolutions, namely the need to furnish technical assistance to the country. The Government had therefore had to rely solely on itself to improve the situation in a country that was completely devastated. Also, the Commission should recognize that creating a democratic culture was a long-term process. For all those reasons Equatorial Guinea asked for a fundamental change in the way it was treated as a Member State of the United Nations and due recognition of the fact that there were no serious or persistent violations of human rights in Equatorial Guinea. The international community should also recognize that the order, peace and stability that reigned in the country were due to the Government's policy of respect for human rights. In that regard, it was crucial that monitoring activities in the area of human rights should be entrusted to officials who were impartial, objective and familiar with the real situation in different countries.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

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(f) STATES OF EMERGENCY
(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 11) (*continued*)

(E/CN.4/2001/4, 9 and Corr.1 and Add.1 and 2, 10, 11, 14 and Add.1, 58, 59 and Corr.1 and Add.1, 60, 61, 63, 64 and Add.1, 65 and Add.1-3, 66 and Add.1, 67, 68, 69 and Add.1, 116, 137 and Corr.1, 138 and 149; E/CN.4/2001/NGO/2, 16, 23, 31, 47, 49, 50, 52, 64-71, 76, 90-94, 98, 99, 101, 110, 115, 116, 132-135, 137 and Corr.1, 138-145, 150, 159, 167, 168, 181, 182; A/55/178 and 280 and Add.1 and 2; A/RES/55/89)

5. Mr. BEN MARZOUK (Organisation tunisienne des jeunes médecins sans frontières) said that the organization he represented was trying to promote a culture of human rights and was working to make dialogue possible between individuals of different opinions and to strengthen the role played by the "valued partners of the United Nations", namely civil society organizations.

6. True pluralism was based on freedom of opinion and expression, especially freedom of the press. Any State that supported moral values and protected human rights could, by so doing, frustrate the manoeuvres of anti-social forces within the community and contribute to creating a climate of openness conducive to the exercise of freedom of opinion, expression and information, and to the strengthening of democracy, impartiality and independence of the judiciary.

7. In order to play the key role that was theirs, the non-governmental organizations (NGOs) needed to remain objective and credible. That was why his organization was appalled every time it heard the well-worn rhetoric of certain NGOs, always the same ones, inveterate professional speechifiers. Their arrogance would not prevent Tunisia from keeping human rights at the heart of its sustainable development policy. For its part, his organization considered itself a fully-fledged partner and was working in a positive spirit so that all Tunisian citizens could fully exercise their human rights in their everyday lives.

8. Finally he condemned the serious violations of the rights of innocent Palestinian civilians committed by the Israeli forces.

9. Mr. RAMAZZONI (Commission of the Churches on International Affairs of the World Council of Churches) said that since the beginning of 2001 the number of threats, acts of harassment, even of

assaults ending in death, suffered by members of the legal profession had considerably increased in Guatemala. In just two months one judge had been lynched, the President of the Constitutional Court and the judge assigned to the Gerardi case had been victims of armed attacks and six judges had received threats. Evidently, those acts were designed to challenge the independence of the judges, impede the course of justice and allow impunity to hold sway.

10. The Government lacked the political will needed to alleviate the situation. It had implemented only two of the thirty-two recommendations made by the Special Rapporteur on the Independence of Judges and Lawyers in the report he had submitted at the preceding session of the Commission. Furthermore, in Guatemala the police often clamped down on human rights organizations, threatening and harassing them, conducting illegal searches and stealing their documents. Freedom of opinion, expression and information was also threatened. During the previous weeks, six journalists had been threatened and assaulted.

11. The Commission of the Churches on International Affairs of the World Council of Churches was asking for the bureau of the High Commissioner on Human Rights in Guatemala to be reopened, so that it could help to restore a climate conducive to human rights. Also, the Special Rapporteur on the Independence of Judges and Lawyers should go to Guatemala again to see on site whether his recommendations had been applied. It would be appropriate, moreover, for the Special Representative of the Secretary-General on Human Rights Defenders and the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to examine the situation of human rights defenders and independent journalists in Guatemala.

12. Mrs. WONG (Rural Reconstruction Nepal) said that in Bhutan the freedom of speech, of expression, of opinion, of assembly and association, as well as freedom of the press and the right to a fair trial, were systematically flouted by the State. Judges were nominated by the king and served at his whim. As for political parties and NGOs, they were banned. Hundreds of political prisoners were languishing in jail.

13. Rural Reconstruction Nepal demanded the immediate release of Rongthong Kuenley Dorji, President of the Druk National Congress, and asked the Commission to send a fact-finding mission to Bhutan, as a matter of urgency.

14. In Malaysia the right of peaceful assembly was seriously threatened. Many times the police had dispersed people who had been demonstrating peacefully. That had been the case in February 2001, in the States of Kedah and Selangor, as well as in Kuala Lumpur. Ordinary demonstrators or members of opposition parties were often arrested during those demonstrations. Just recently four people had been arrested in Kuala Lumpur for wearing T-shirts bearing a picture of Aung San Suu Kyi, winner of the Nobel Peace Prize.

15. The few independent press organs were also targets of those in power. Thus the Prime Minister had called the members of the independent press agency Malaysiakini.com "traitors". The previous year the Government had ordered the withdrawal of several publications and magazines, notably Eksklusif, Detik and Al-Wasilah. The chief editor of the semi-weekly Harakah was currently on trial for opening his columns to a leader of the opposition .

16. Rural Reconstruction Nepal urgently appealed to the Commission, on the one hand, to ensure implementation of the recommendations concerning Malaysia formulated by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and, on the other, to invite the Special Rapporteur to visit Malaysia with the aim of improving the current situation.

17. Mr. DELIUS (Society of Threatened Peoples) said that in the Indonesian province of Irian Jaya the repression of the Papuans had intensified disturbingly: arbitrary arrests, unjust trials and torture of those detained had become common events. Many separatist Papuans, in particular the head of the separatist movement Theys Eluay, had been condemned to prison sentences handed down in trials where the rights of the defence were not respected. Furthermore, many of them were being tortured in prison by members of the Mobile Police Brigade (BRIMOB). At the same time, the Indonesian security forces were continuing to carry out extrajudicial executions and other crimes with complete impunity, making it even more difficult for dialogue to begin between the Indonesian Government and representatives of civil society in Papua. The Society of Threatened Peoples asked the Commission to invite a Special Rapporteur to visit Irian Jaya to investigate the situation. It also appealed to the Commission to call on the Indonesian Government to put an immediate end to the persecution of suspected members of the separatist movement and to resume a genuine dialogue with the representatives of Papuan civil society.

18. Mr. CASTRO SAEZ (Organization of Solidarity of the Peoples of Asia, Africa and Latin America—OSPAAAL) said that the developed countries that set themselves up as judges of third world countries in relation to human rights issues were themselves perpetrators of serious and systematic violations of those rights. The Government of the United States of America, for example, had long tried to hide from the international community the existence of more than a hundred political prisoners and prisoners of war jailed for having fought against the injustice of the North American political and socio-economic system. Arrested within the framework of the COINTELPRO programme of the FBI, those persons had been imprisoned, isolated and tortured.

19. The Government of the United States of America was trying to pass off political prisoners as ordinary detainees under the common law: that was the case with Leonard Peltier, for example, and Mumia Abu Jamal. The United States counted 476 prisoners per 100,000 inhabitants, five times more than twenty years previously. Within the Black community the proportion was 3,620 prisoners per 100,000 people. The population of the federal prisons had increased by 83 per cent during the past eight years. Many of the prisoners were minors, mentally handicapped persons or women from the poorest sections of society. All those facts showed the racist and discriminatory character of the North American judicial and prison system.

20. OSPAAAL assured the political prisoners and the prisoners of war held by the United States of its solidarity and demanded their release.

21. Ms. FINIK (Human Rights Internet—HRI) said that the Human Rights Internet was an international network of information and documentation on human rights. It was governed by a Board of Directors, one of whose members was Ms. Khedija Cherif. That Tunisian sociologist was a founding member of the National Council for Liberties in Tunisia (NCLT), a leading member of the Tunisian Association of Democratic Women (ATFD) and former Vice-President of the Tunisian League for the Defence of Human Rights (LTHD).

22. On 23 and 24 March 2001 the Board of Directors of HRI had had to hold its annual assembly without Ms. Cherif, who had not been able to leave Tunisia. In fact, she had not been granted a renewal of her passport, requested two months earlier, whereas the procedure normally took two weeks. The reason for that "administrative" hindrance became perfectly clear when it emerged that three weeks previously, while on her way to a reception organized by CNLT, she had been showered with abuse and beaten by the police. Nine days later she had been struck by a policeman again when leaving the Palace of Justice, where she had gone to express her solidarity with Mr. Mokhtar Trifi, who was being questioned that day by the investigating magistrate in his capacity as President of LTDH. Ms. Cherif had then called on the Procurator of the Republic to lodge a complaint about the assault, but her complaint was rejected by the Procurator.

23. Such assaults were part of the Tunisian authorities' strategy to silence the independent organizations and all who wanted to see Tunisian laws and the commitments made by the Tunisian State to the international community respected. The Human Rights Internet would shortly be submitting a complete report to Ms. Jilani, Special Representative on human rights defenders in Tunisia. It should be recalled that on 8 March 1999, at the General Assembly of the United Nations in New York, Tunisia had voted for the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144). Nevertheless, since that date, the repression of human rights defenders had not diminished. That being so, the Human Rights Internet was asking the Commission to invite the Special Representative, Ms. Jilani, to go to Tunisia to investigate the situation of human rights defenders in that country.

24. Mr. CASTILLO (Indian Council of South America) said that Mr. Peltier, a defender of indigenous peoples, had been held in an American prison for 25 years for a crime he had not committed. He had, moreover, been illegally extradited from Canada in 1976, in violation of international law. During his trial the rights of the defence had not been respected. The judge had systematically refused to listen to the defence witnesses. The FBI had suppressed evidence of Mr. Peltier's innocence and put pressure on people to give false testimony. More recently, the FBI had launched an intensive disinformation campaign in the media and among key public officials so that President Clinton would not grant Mr. Peltier a pardon. That campaign had been successful, since the President, without explanation, had ultimately refused the pardon even though the White House had announced that Mr. Peltier's request for clemency would be studied carefully.

25. Léonard Peltier had asked the Indian Council of South America to express his deep appreciation to the High Commissioner for Human Rights, to Mr. Alfonso Martinez, to Mr. Kenneth Deer and to Ms. Rigoberta Menchu Tum for their support. Prominent American personalities and the European Parliament had called for an inquiry into the irregularities of Mr. Peltier's trial. Amnesty International, for its part, considered him a political prisoner who should be released immediately and unconditionally.

26. The Indian Council of South America called on the Commission to invite the Special Rapporteur on Contemporary Forms of Racism, the Special Rapporteur on the Independence of Judges and Lawyers and the Working Group on Arbitrary Detention to visit the United States to examine the question of racial discrimination in the administration of justice and to look into Léonard Peltier's case and those of other political prisoners. It also asked the Commission to invite the United States Government to make public the 6,000-page document on the Peltier case held by the FBI and to open an inquiry about the irregularities that had marred the Peltier trial.

27. Ms. BARNES DE CARLOTTO (International Movement for Fraternal Union among Races and Peoples) said she was President of the Association of the Grandmothers of May Square in Argentina and for that reason had come, as every year, to speak about the forced disappearances that had occurred in Argentina between 1976 and 1983 under the most ferocious dictatorship the country had ever experienced.

28. Given the corporate reflexes of the new leaders of the armed forces and their tendency to question the process of self-criticism which had already begun, the decision of the federal judge in the Grandmothers of May Square affair to declare the laws on the duty to obey unconstitutional was a step to be welcomed. Those laws could only serve to encourage impunity and prevent the truth from surfacing, especially about the appropriation of the children of persons who had disappeared during the dictatorship.

29. In that connection, the Grandmothers of May Square, in the year 2000, had identified six further grandchildren, to whom a hundred or so young people should be added who, unsure of their origins, had

come to the Association's headquarters to compare their blood with that of grandparents looking for their grandchildren.

30. The Association of the Grandmothers of May Square called on the Government of Argentina to respond to the Argentine people's need for truth and justice by making the political decision to judge and condemn those responsible for the thousands of disappearances and force them to reveal where the grandchildren were whom their grandmothers wanted to hug before they died.

31. In conclusion, she supported without reservation the drafting and adoption of an international convention against forced disappearances.

32. Ms. AL TABAL (North-South XXI) said that Israel was refusing to comply with the Convention against torture that it had nonetheless ratified. In fact, Shin Beth regularly tortured Arab prisoners, with the endorsement of the Supreme Court, moreover, which had not forbidden such practices. More than that, Israeli doctors were collaborating with the Shin Beth torturers in the detention centres, thus violating the Hippocratic oath. Israel was also violating the Geneva Conventions by imposing collective sanctions as measures of retaliation. North-South XXI called for an international criminal tribunal to be set up to judge the crimes committed by the Israeli authorities and to force them to pay compensation to the victims. Also, the Commission should call on Israel to put an end to the practice of torture and to all forms of collective sanctions.

33. North-South XXI welcomed the substantial changes that had taken place in Bahrain: the release of all political prisoners, the return of people who had gone into exile for political reasons and had now regained their civil rights, the establishment of political equality between men and women and of respect for freedom of assembly and expression, the abolition of the law on state security and the elimination of the state security court that had arbitrarily imprisoned thousands of political opponents over a quarter of a century.

34. The Emir and the people of Bahrain were to be congratulated on those measures and encouraged to go further by applying the Charter for National Action, which provided among other things for implementation of the Constitution, by ratifying the main instruments relative to human rights, guaranteeing freedom of expression and the right to form trade unions, abolishing all forms of discrimination and organizing legislative elections as soon as possible.

35. Mr. VO VAN AI (International Federation of Human Rights Leagues—FIDH) expressed the Federation's great satisfaction at the positive changes in Mexico, Peru and Bahrain. FIDH called on the Governments of those countries to continue to honour their commitments in the area of human rights. As to the fight against impunity, FIDH welcomed the efforts of the international community to establish a permanent international criminal court, as well as the progress that was being made in that direction, notably the recent arrest of Mr. Milošević, who would have to face charges of war crimes and crimes against humanity at the tribunal in The Hague.

36. On the other hand, FIDH deplored the shocking and particularly retrograde decision of the Court of Appeal in Senegal to declare itself incompetent to prosecute the former Chad dictator Hissène Habré on the grounds that the Convention against torture had not been incorporated into Senegalese law.

37. In Cameroon the facts about the extortions of the Douala operational commander had still not come to light. FIDH asked the Commission to support the establishment of an independent commission of inquiry that would be open and efficient in dealing with the extremely worrying situation in Cameroon.

38. FIDH and its affiliated organization SOLIDA drew attention to the 17,000 people who had disappeared during the war in Lebanon. The families of those persons were waiting for an answer about what had happened to their relatives and placed their hopes in the Commission.

39. FIDH and its affiliated organization the Legal and Human Rights Centre deplored the violations committed by the Tanzanian police in January 2001 during the demonstrations that had followed the elections in Zanzibar. No steps had been taken by the Tanzanian authorities to prosecute the perpetrators.

40. FIDH and its affiliated organization the Viet Nam Committee on Human Rights regretted the continuing religious persecutions in Viet Nam, persecutions which the party in power was even trying to legalize. FIDH asked the Commission to order the Vietnamese Government to respect freedom of conscience and of religion.

41. FIDH and its affiliated organization in Northern Ireland, the Committee for the Administration of Justice (CAJ), remained concerned by the fact that some parts of the legal and security arrangements that had allowed violations of human rights in the past were still in place. FIDH and CAJ called on the British Government to hold independent judicial inquiries into the assassinations of Rosemarie Nelson and Patrick Finucane. Lastly, the FIDH asked the Commission on Human Rights to create an intersessional normative working group with the aim of adopting the draft international convention for the protection of all people against forced disappearances.

42. *Ms. NAJAT AL-HAJJAJI (Libyan Arab Jamahiriya) took the Chair.*

43. Ms. STOTHARD (Aliran Kesedaran Negara—National Consciousness Movement) said that Burma held the sad record of having the oldest political prisoner in the world: the doctor Saw Mra Aung, former member of Parliament and President of the Arakan League for Democracy, who would turn 93 during the present meetings of the Commission on Human Rights. Dr. Saw had been held without charges since 1998 in a military camp not far from Rangoon.

44. The Burmese regime also held other records, such as the aggregate number of political prisoners held: hundreds, in fact, who were often kept in prison after they had served their sentences. That was the case of Min Ko Naing, who should have been released two years back and who was not only still in prison but was actually being held in conditions such that he risked being handicapped for life.

45. The Commission should do its utmost to secure the release of all political prisoners in Burma and make the Government recognize the civil and political rights of Burmese citizens. At a time when the country was preparing to celebrate the Buddhist New Year, when it was a tradition to set birds and fish free, the Burmese regime would gain even more merit by releasing human beings.

46. Ms. MAGOMADOVA (International Peace Bureau) called the atrocities committed in Chechnya war crimes and crimes against humanity. In the course of the past 18 months Chechnya had become a shooting ground where the military and the police tried out new weapons and new methods of mass destruction against people and their environment. The victims were mainly children, women and the elderly. The absence of local power structures and of international organizations in the area led to a state of isolation that reinforced impunity.

47. Yet Russia, a full member of the Council of Europe, was bound to honour the commitments it had undertaken to safeguard human rights and freedoms. In fact it had not met any of those commitments, and it was regrettable in those circumstances that a fair number of politicians should be satisfied with the declarations of the Russian Government.

48. The military forces responded with terror to the attacks of the Chechen fighters. In Chechnya an estimated 1,500 people had disappeared, most of them men. Those thrown into prison without charge were sometimes found again, weeks or months later, in common graves with signs of torture on their bodies. Civilians who had been arrested were placed in holes dug in the ground. None of those innumerable violations had given rise to an inquiry. The guilty parties had never been obliged to account for their acts.

49. The International Peace Bureau was grateful to the Commission on Human Rights for having adopted a firm resolution the previous year on the situation in the Chechen Republic. Unfortunately, the Russians had not followed up any of the injunctions listed in that resolution. That was why the International Peace Bureau was now calling on the Commission to set up an independent international commission immediately with the mission of investigating the crimes committed by the Russian army in Chechnya.

50. Mr. KAZMI (Al-Khoei Foundation) denounced the religious intolerance suffered by certain groups in several countries.

51. The Al-Khoei Foundation fully acknowledged the disastrous consequences of the sanctions imposed on Iraq, which not only harmed the Iraqi population, but also reinforced the Government's hold on the population. Yet, at a time when many people were justifiably declaring their opposition to the sanctions regime, it was important to denounce the abuses suffered in Iraq by large groups, such as the Kurds and the Shi'ites. The latter, in particular, were victims of serious persecution aimed at reducing their influence, mainly at the political level. The Baath regime objected to the very symbol of Shi'ite Islam and to the representatives of that community. Many religious Shi'ites had been murdered or had disappeared since the Baath party had come to power. Those abuses had, moreover been denounced by the Special Rapporteur on the human rights situation in Iraq. At present, the Al-Khoei Foundation was worried about the fate of Ayatollah Seestani, whose freedom of movement and religious functions the regime wanted to restrict.

52. The Al-Khoei Foundation saw the new measures taken by Emir Al-Khalifa in Bahrain, in particular the release of political prisoners, the return of exiles and the abolition of the state security court, as a sign that the reforms taking place would put an end to the long discrimination suffered by the Islamic opposition in the country.

53. In Afghanistan, the actions of the Taliban, in particular the destruction of the Buddhist statues in Bamiyan, could only strengthen the incomprehension and fear of Islam felt by non-Muslims. The religious intolerance shown by the Taliban was also seen in the persecution of the Hazara minority.

54. Lastly, the Al-Khoei Foundation was very concerned about the way the Israeli authorities were treating the Muslim holy sites and the faithful themselves, especially in East Jerusalem. The Al-Aqsa mosque was sacred to Muslims the world over. The security of the site and of the Muslims who prayed there was therefore a matter of serious concern to all Muslims and should be recognized as a distinctive aspect of the conflict in Palestine.

55. Ms. THIN THIN AUNG (Catholic Institute for International Relations) denounced the torture practised by the regime in Burma, a regime that ferociously suppressed political activists, members of ethnic groups and students fighting for democracy. Torture had become a veritable institution in that country. Moreover, it had been denounced by international organizations such as Amnesty International and by Burmese human rights organizations. Apart from torture, the political prisoners were subjected to all sorts of deprivations, such as inadequate nourishment and medical facilities, so that many of them became ill. A case in point was that of Min Ko Naing, a leader of student organizations who, in 1989, had been

condemned to twenty years in prison for his pacifist activities in favour of democracy and human rights and was currently being detained in the Sittwe prison in the State of Rhakine, where his health was deteriorating from day to day. Min Ko Naing risked being paralysed for life if he were not given immediate care. Another case was that of U Tin Htun, whose state of health also gave rise to grave concern and who was not receiving medical care either. U Tin Htun was currently serving a twenty-year prison sentence.

56. The Catholic Institute for International Relations called upon the Commission on Human Rights to take urgent steps to secure the release of all political prisoners in Burma and put an end to all human rights violations committed in that country.

57. Mr. MUSTI KHAN (World Federation of Trade Unions) expressed appreciation of the efforts made by the Commission to protect the rights of oppressed peoples but regretted the fact that the people of Baluchistan, for whom he was acting as spokesperson, had not received the attention they deserved. In fact, the people of Baluchistan, an area that Pakistan had annexed illegally and turned into its south-western province, were victims of many forms of discrimination from the Punjabi lobby in power.

58. Following the violent acts committed during military operations in the past, many political activists of Baluchistan had been arrested and tortured. In particular, Mr. Abdul Nabi Bangulzai and Alam Parkani had been detained and held without trial for several months and had been tortured in the camps. He (Mr. Musti Khan) himself had been forced to flee the country and was now asking for political asylum in the West. Moreover, the pillage of natural resources in Baluchistan over half a century had caused drought, famine and poverty. The daily depredations, of the coastguards, the armed forces and the Pakistani militia were making life unbearable for civilians. The situation held no prospect of improvement, given that the military went so far as to put pressure on lawyers to refuse defence support to opponents of the regime. Thus, State terrorism was intensifying. Furthermore, while the population was being denied the right to live, the land was being used for nuclear tests and groundwater reserves were becoming radioactive. Abusing nature in that way jeopardized the opportunities of future generations. In its resolutions of the previous year, the Commission on Human Rights of Pakistan referred to Baluchistan, expressing its concern about the deterioration of the administration of justice, the sagging level of teaching, the increase in unemployment, the physical cruelty suffered by children, the corruption and the existence of private prisons. It had condemned the murder of judge Mohammed Nawaz Marri and criticized the police for not really having tried to bring the perpetrators to justice. Worse still, the nationalist leader Khair Bakhsh Marri had been wrongly implicated in the affair, imprisoned, humiliated and harassed.

59. The Commission on Human Rights of Pakistan had also drawn attention to the abuses committed against children, who were victims of kidnapping and were then traded to countries in the Gulf. It had called for the closure of the training camps installed by the military organizations in the province. Those organizations, which had been established with the direct support of the security forces, went to fetch children from their schools and homes to enlist them in the jihad operations they were carrying out in Afghanistan, Kashmir, Sinkiang and Chechnya. Those operations no doubt represented a large financial interest for certain very powerful pressure groups. What people were witnessing, therefore, was a real "Talibanization" of Baluchistan, a very dangerous phenomenon, not only for local society but for the world at large. The Commission's appeals to the Government to rectify the situation had so far remained without effect. Quite the contrary, the regime seemed more determined than ever to keep a tight grip on Baluchistan.

60. The World Federation of Trade Unions asked the Commission to invite competent working groups to investigate the political, economic and social situation of the people of Baluchistan.

61. Ms. BHUTIA (Worldview International Foundation) said that once again, as in previous years, several Special Rapporteurs and working groups were speaking of the violations of civil and political rights committed by the Chinese authorities. Thus, the Working Group on Arbitrary Detention, in its opinions Nos. 8, 14, 19 and 28 (document E/CN.4/2001/14/Add.1), regarded the detention of five Tibetan political prisoners as being arbitrary and contrary to the articles 19 and 20 of the Universal Declaration of Human Rights. Referring to the case of Ngawang Sangdrol, a Tibetan nun who was currently serving a 21-year prison sentence for her participation in pacifist political activities and whose health was very poor, Ms. Bhutia called on the Chinese authorities to release her on humanitarian grounds and to allow her to receive the medical treatment without which she would not be able to survive.

62. The situation of Gedhun Choekyi Nyima, the eleventh Panchen Lama of Tibet, had been mentioned at meetings of the Commission for the past six years. The eleven-year-old boy in question was at present the youngest political prisoner in the world, and Tibetans and Buddhists all over the world continued to wonder what had happened to him. The Working Group on Forced or Involuntary Disappearances had sent many messages to the Chinese authorities inquiring about the boy, but the authorities, acting in defiance of the international community, were still refusing to reveal his whereabouts. Ms. Bhutia asked the Chinese authorities to authorize an independent international organization such as the United Nations Committee on the Rights of the Child to visit the Panchen Lama.

63. Tanak Jigme Sangpo, a teacher serving a 28-year prison sentence in Drapchi, in the Lassa area, was another Tibetan political prisoner who deserved the attention of the Commission. He had been deprived of freedom since 1962 when he was arrested because of his political activities. On 6 December 1991 a Swiss delegation visiting Drapchi had heard Jigme Sangpo shouting political slogans from his cell, behaviour which had earned him beatings and another nine years added to his sentence. If he survived, he would be 85 upon emerging from prison in 2011.

64. On 9 May 2000 the Committee against Torture had said it was concerned about persistent allegations of serious cases of torture inflicted on Tibetans and other members of national minorities. The Committee had urged China to make a prompt and impartial inquiry into those allegations. In that connection the Worldview International Foundation asked the Chinese authorities to open an inquiry immediately into the death of five Tibetan nuns in detention in Drapchi in 1998. At least ten people had died in detention following the Chinese authorities' brutal repression of prisoners in Drapchi who had organized a protest movement. A recent report of the Tibet Information Network in London described in detail the circumstances in which the five imprisoned nuns had met their death. The report described in particular how one of them had been savagely tortured.

65. The Worldview International Foundation requested the Commission to adopt a resolution on China demanding the release of all political prisoners detained by the Chinese authorities.

66. Ms. DEHOY (Anti-Slavery International) drew the attention of the Commission to the growing restrictions on religious freedom in Asia.

67. She said she was particularly concerned about the situation in Laos. Recent events attested that Christians who professed their faith in churches not approved by the State had fallen victim to persecutions. Every imaginable form of intimidation was used to compel them to renounce their faith. According to the Group for the Defence of Human Rights in Laos, although members of the clergy and their congregations who had been imprisoned in 1999 had subsequently been released in 2000, new arrests had taken place since then and 25 Christians were now detained in Laos, accused of being enemies of the State and forced to sign documents in which they renounced their faith. Some were being held in detention for illegal religious activities or on other pretexts, very often in terrible conditions. Besides, Christian families had been moved to non-Christian villages.

68. Since 1999 the authorities had closed about fifty churches. One church in the province of Savannakhet had been converted into a government office building. Members of the clergy who had asked for compensation had been arrested and were thought to be in detention still. Three other people had been imprisoned for having continued to gather in their homes after the closure of their church. In December 2000 only eight churches of Savannakhet province had been authorized to celebrate Christmas. Some persons who had attended the Christmas services had been arrested and forced to abjure their faith in writing.

69. In Viet Nam also, only religious organizations recognized by the State were authorized. Independent religious activities were forbidden and the faithful persecuted and imprisoned. In February, Christians who had demonstrated in the central high plateau region had been victims of a brutal repression. The situation of the venerable Thich Huyen Quang, patriarch of the Unified Buddhist Church of Viet Nam, under house arrest since 1982, was also a source of concern.

70. In Myanmar, the Government was continuing to monitor the activities of the followers of all religions, including Buddhists because of their past history as political activists. That did not hinder the same Government from imposing Buddhism by force on members of ethnic minorities. In the State of Chin, Christians were victims of harassment. Some of them had taken refuge in Guam in 2000 in the hope of going to the United States and escaping religious persecution. The Rohingya Muslims in the State of Arakan had been deprived of their citizenship and in many cases had seen their lands confiscated for the benefit of Buddhist settlers, as part of an official programme. In addition they had been compelled to engage in forced labour for the building of the settlements in question, as well as pagodas. The Government was stirring up the violence already present in society against Muslims, with the result that clashes between Buddhists and Muslims occurred in February 2001 in Sittwe, during which at least ten people died.

71. In Afghanistan the Taliban had just scandalized the international community by demolishing the 2000 year-old statues of Buddha in Bamiyan and by destroying non-Islamic objects of devotion in the museum of Kabbul. In addition, the Taliban were violating human rights by imposing their aggressive interpretation of the Shariah.

72. Anti-Slavery International urged the Commission and the Special Rapporteur on religious Intolerance to raise the question of religious freedom with the Governments concerned so that violations of that freedom would cease.

73. Mr. KIM (World Peace Council) said that he would address himself to the issue of the right to compensation for victims of serious human rights violations.

74. In September 1999 the Associated Press had begun a series of articles on a massacre perpetrated in 1950 in the South Korean village of No Gu Ri, where hundreds of villagers had been machine-gunned by the armed forces of the United States of America during the Korean war. About 400 civilians, most of them women, children and old people, were said to have been killed during the episode, which was very similar to that of My Lai in Viet Nam. Other massacres were also attested, including the execution of at least 100,000 South Korean prisoners, carried out with the complicity of the American military who had been commanding the Korean forces. Former President Clinton had acknowledged the facts about the No Gu Ri massacre but had merely expressed his regret. The massacres approved to have been aimed at the movement opposing the foreign occupation and fighting for the unification of the Korean people, a movement which had been born during the Japanese occupation.

75. Recently democracy seemed to have gained ground in South Korea, a fact which, in conjunction with peace measures and the détente between North and South, had encouraged people to give evidence.

The Korean Truth Commission had been created to conduct a systematic inquiry into the massacres of civilians carried out by American soldiers. It had identified 60 places where such massacres had taken place. As a part of the inquiries, international delegations had travelled to the sites in question and had heard the testimony of those who at the time had been victims of machine-gunning, who had survived but had seen their relatives die.

76. The Government of the Democratic People's Republic of Korea had presented the United Nations with detailed documentation on similar massacres perpetrated by the United States army in the northern part of the country. The bloodiest event had been in the district of Sinchon in the province of Hwanghae, where more than 30,000 civilians had been killed in three months. The forces commanded by the United States had pursued a scorched earth policy, bombarding the land with napalm and razing everything to the ground. Hundreds of thousands of civilians had been killed in the course of those events.

77. The World Peace Council thought it essential that appropriate measures be taken to ensure that those human rights violations were recognized and that the families of the victims received compensation. That was why, although the events dated back fifty years, he was urging the Commission—in order to avoid a repetition of such horrors—to shed as much light on the facts as possible and seek compensation for the victims.

78. Ms. MIR (Liberation) drew the Commission's attention to two issues: torture and detention on the one hand and disappearances and summary executions on the other.

79. In Peru those who dared to protest against the political system of the country were systematically tortured. In spite of law No. 26926, which condemned torture as a crime, many of those who had perpetrated it remained unpunished. Liberation was also very worried about the cases of torture in the Punjab (India) and the Government's refusal to compensate the victims or to investigate the acts perpetrated by the police forces in that region. The culture of impunity prevailing among the security forces was aggravated by the rise of the number of illegal detentions.

80. The security forces also acted with complete impunity in Sudan, where violations of human rights were committed every day. Many of them were closely linked to the continuing conflict there, which led to displacements of populations, massacres of civilians, looting, kidnapping and rape. In 2000 the police had continued their policy of repression in dealing with opposition leaders and political activists. During the first three months of 2001 they had arrested a large number of people in various cities of the country.

81. Political activists continued to be harassed in Malaysia, where some NGOs had been refused permission for foreign travel of their staff in defence of their cause. The number of summary executions of innocent people was steadily increasing in the State of Jammu and Kashmir in India. In Bangladesh, the Chittagong Hill Tracts Peace Accord 1997 had still not been applied; human rights violations were continuing and cases of torture and illegal detention of innocent men, women and children were continuing to increase.

82. Liberation was convinced that the Commission on Human Rights had a key role to play in the defence and promotion of human rights, but it was high time to move on from fine words to practical measures in their defence.

83. Mr. ANVAR (World Federation of Democratic Youth) asked the Commission to put pressure on countries that were delaying the establishment of democratic institutions—in particular an independent judiciary—and to advise Governments to be honest in describing the internal situation of their countries instead of making deceitful statements.

84. When the Commonwealth had decided to exclude Pakistan from its councils, it had indicated that reintegration would depend on progress made in re-establishing democracy. However, one was bound to accept the fact that, so far, exactly the opposite had happened. The army had imposed unprecedented restrictions on parties favourable to democracy and tried to muzzle ordinary citizens. On the other hand, several religious parties and so-called political activists who enjoyed the support of Pakistani public bodies, such as the intelligence services, were not just authorized but even helped to infringe those restrictions with complete impunity.

85. Democratic politicians had been arbitrarily detained and sometimes held in secret. For about a year and a half the army and the Pakistani intelligence services had, from the Punjab, been conducting a devastating military operation in Baluchistan, where they were massacring innocent civilians of Baluch and Pashtu origin.

86. The Pakistani authorities preferred to pursue a personal vendetta policy rather than reform the country. All the leaders abused power and resorted to corruption to impose their authority. The country had always been governed by feudal and military oligarchies that did not have the will to reform the country and make it democratic. They were indifferent to the political, social and economic collapse threatening Pakistan.

87. The future of the country lay in democracy, sound management of public affairs and public accountability. To attain those goals, power would have to be entrusted to progressive groups with a middle class background rather than to extremists and oligarchies who were always ready to preach fanaticism in order to retain their grip on power. All Pakistanis, women and men, whatever their ethnic origin or religion, should be able to participate in the running of public affairs. The provinces of the Federation of Pakistan should enjoy complete independence and no longer be victims of the hegemony of the Punjab. The Federation could retain a certain number of attributions (defence, foreign affairs and treasury), the others being entrusted to the provincial assemblies which in turn would leave an important role to the local communities. The distribution of power would make it possible to create an egalitarian society in which the residents of each province could decide their own destiny freely without being politically oppressed by the majority group under the yoke of the army, the intelligence services and the civilian and military bureaucracy.

88. On 17 September 2000, in London, the leaders of the Sind and Baluchistan provinces had presented a resolution that had been unanimously adopted. It called for repeal of the 1973 Constitution and its replacement by a new Constitution drawn up in accordance with the 1940 resolution concerning Pakistan that provided for an independent status for the provinces.

89. Pakistan was in no sense like a child who needed authoritarian and totalitarian parents, contrary to widespread opinion in the West which had been upheld for a long time by incompetent dictators.

90. Mr. SHAHIN (Himalayan Research and Cultural Foundation) said that the Commission was tackling the issue of religious intolerance only a short time after the Taliban's destruction of the 2000-year-old Buddhist statues in Bamiyan. That act was all the more pernicious for having been committed in the name of Islam, thereby helping to discredit not only Islam itself but the very idea of religion. It was an offence to believers throughout the world. The Taliban had been trained in thousands of Koranic schools spread throughout the various regions of Pakistan. About 10 to 15 per cent of those schools taught the principles of Jihad, or holy war. The fighters of the Jihad, gathered together in terrorist organizations, had killed thousands of innocent Muslims opposed to their ideology in the Vale of Kashmir and had conducted "ethnic cleansing" campaigns against religious minorities such as the Hindus and the Sikhs of Kashmir.

91. In paragraph 110 of his report (E/CN.4/2000/65), the Special Rapporteur on Religious Intolerance, Mr. Amor, had acknowledged the danger represented by extremist groups claiming to act as Muslims, but had also considered it important to differentiate between an extremist minority who used Islam for political goals and the majority of Muslims who practised Islam in accordance with the principles of tolerance and non-discrimination. All religions urged believers to develop a culture of peace, and they played an important role in the promotion of civilization. Unfortunately, among their ranks there was always a minority of individuals who could be called barbarians. The question then arose whether believers throughout the world were prepared to accept the idea that those minorities should jeopardize civilization.

92. The Himalayan Research and Cultural Foundation shared the opinion of the Special Rapporteur, who believed that the dialogue between religions played a key role in preventing misunderstandings, conflicts and violations of the freedoms of religion and belief. Considering the growing fanaticism in certain religious communities, one should encourage that dialogue.

93. Many speakers had referred to a growing Islamophobia in the world. Yet, if the Muslims themselves could not prevent extremists like Ossama Bin Laden from spreading dangerous theories and inciting Muslims to jihad, they could hardly ask others not to fear Islam. It was up to the Muslims, and in particular the Islamic specialists, to make sure that their religion remained a blessing for humanity and was not transformed into an instrument of terror.

94. Mr. HASAN (International Peace Institute) said that, in spite of the Bangladeshi Government's wish to improve the human rights situation in the country by adopting new laws and acceding to international conventions, progress was hardly noticeable because no practical measures had been taken.

95. The number of extrajudicial executions and acts of torture continued to increase. In 2000, around 800 women had been tortured to death according to the NGO Bangladesh Legal Aid and Services Trust. The number of victims of bomb attacks was also increasing every year. Violence, especially on the part of the police, did not spare children.

96. The violence and abuses were due to a number of factors. First of all, [illegible]y and the political milieu accepted the violations. Elections were not always held on the basis of universal and equal suffrage but often involved dubious financing and the use of force. The forces of law and order had not developed any sensitivity to human rights. And finally, members of the Government enjoyed partial impunity.

97. The security of ordinary citizens was constantly threatened, as was their freedom of movement and their right to hold property. The mafia poisoned the political milieu and the world of business. Although the present Government was more favourable towards minorities than previous ones, the minorities still continued to be openly threatened. Very often it was powerful fundamentalist groups rather than the Government who refused to respect property rights and freedom of thought. Those groups, made up of religious fanatics and former collaborators of the Pakistani military factions, cultivated a philosophy of hatred and segregation based on religion.

Statements in exercise of the right of reply

98. Mr. RODRIGUEZ (Colombia) did not accept the allegations of several non-governmental organizations who were deliberately ignoring the many officials, judges, soldiers and police who had sacrificed their lives in the service of democratic institutions. The Colombian Government condemned those who questioned its determination to defend human rights and to combat the armed groups who were the main people to blame for the violations. In particular, he did not understand the appeals addressed to

him by the European Union, as he had shown himself perfectly capable of cooperating with the mechanisms of the United Nations responsible for the protection of human rights.

99. Mr. SITHILEUXAY (Observer from the Lao People's Democratic Republic) categorically denied the allegations made by the representative of the United States and the spokesperson of a non-governmental organization concerning so-called infringements of the freedom of religion of Protestants in the Lao People's Democratic Republic. Freedom of religion was guaranteed by the Constitution and no Protestants had been arrested because of their religious beliefs. Those who had been arrested were persons who had been taking part in illegal activities, organizing secret meetings and trying to help people to go abroad. The Government had had to put a stop to that trafficking in human beings and other such activities so as to maintain the stability of the country. Although individuals could freely exercise their rights and enjoy their basic freedoms, they nonetheless remained subjects of a State which meant that their activities could not be contrary to the laws of that State.

100. Mr. NUSHIRWAN (Malaysia), referring to the statement of a non-governmental organization, stressed that in all countries of the world freedom of association had its limits. As far as freedom of the press was concerned, opposition newspapers were published and distributed without hindrance, just as were foreign newspapers. The newspapers belonged to private enterprises, in no case to the Government. It was up to the media to display a sense of responsibility and avoid sensitive subjects that might compromise the stability and security of the country.

101. Freedom of assembly and of expression were guaranteed by the Malaysian Government. Individuals could express themselves freely as long as they did not take up sensitive topics, and anyone could organize a meeting after having obtained authorization from the police. Those authorizations were issued on the basis of objective criteria.

The meeting rose at 1.10 p.m.